

REGULAR CITY COUNCIL MEETING
July 21, 2005

PRESENT: Jon Adams Mayor Pro Tem
Holly Bell Councilmember
Alden Farr Councilmember
Bob Marabella Councilmember

ALSO PRESENT: Ben Boyce Director of Parks and Recreation
Mary Kate Christensen City Recorder
Dennis Sheffield Director of Finance
Mark Teuscher City Planner
Paul Tittensor Chief of Police

EXCUSED: Reese Jensen Councilmember
LouAnn Christensen Mayor

Mayor Pro Tem Adams called the meeting to order and excused Mayor Christensen and Councilmember Jensen who were out of town. Councilmember Bell gave a prayer and reading as part of the reverence period. Mayor Pro Tem Adams led the audience in the Pledge of Allegiance. A motion to approve the minutes of the June 30, 2005 Council Meeting, July 7, 2005 Work Session, Council and Executive Session was made by Councilmember Farr. The motion was seconded and carried. Mayor Pro Tem Adams presented the agenda as follows:

PUBLIC COMMENT
CONSENT

New Hire, Cemetery
New Hire, Inspection Department
New Hire, Community Development
New Hire, Recreation
New Hire, Water Department
New Hires, Ambulance Department
Appointment to VIPS Council
Request to Write-off Accounts Due to Resident Taking Out Bankruptcy or Being Sent to Collections
Promotion, Water Department

PUBLIC HEARINGS

Vacation of Partial Amendment to Parker Ranchettes, Lot 2
Amendment to Partial Amendment No. 1 to Parker Ranchettes, Phase 2, Lot 5R
Amendment to Chapter 29.050.070, Maintenance of Parking Lots to Allow Alternative Design for the Transfer of Surface Water from the Parking Lot to the Public Right-of-Way
Amendment to General Plan Map from Residential Medium Density to a Planned Commercial/Mixed Use Designation for Property Located in the Vicinity of 900 North and Main Street

CLAIMS

Warrant Register

Councilmember Bell made a motion to approve the agenda as read. The motion was seconded and carried unanimously.

PUBLIC COMMENT

Councilmember Marabella - Councilmember Marabella said there was an article in the paper regarding a local citizen injured in Iraq. This is an employee of his, and he reported that he has had three surgeries and he is doing better. He is hoping to get moved to Washington, D.C. for additional therapy. He asked that everyone keep their hearts and prayers and thoughts with him.

Councilmember Bell - Councilmember Bell said the City held a flood meeting for those who were affected by the flood, and the mitigation that will be happening. She stated that the meeting was handled very well. The citizens that were involved asked wonderful questions. It looks like Brigham City is on the governor's list, hopefully the City will get federal money to take care of mitigation. She wanted the community to know that the City is making forward steps in having sandbags removed, which will be taking place within the next few days. Anyone that wants to get involved in this should contact Jim Buchanan. She added that Jim Buchanan did a wonderful job with the meeting.

CONSENT

New Hire, Cemetery

It was recommended Ryan R. Abraham be hired as a Maintenance Specialist I, Grade 35, effective July 22, 2005.

New Hire, Inspection Department

It was also recommended Thomas Peterson be hired as a Building Inspector I, Grade 40, effective July 28, 2005.

New Hire, Community Development

Patrick Brooke was recommended for hire as a GIS/Drafting Specialist, Grade 44, effective August 29, 2005.

New Hire, Recreation

It was recommended the City Council approve the hire of Robin D. Daniels as a Recreation Coordinator, Grade 37, effective July 26, 2005.

New Hire, Water Department

Tyler Pugsley was recommended for hire as the new Water Superintendent, Grade E57, effective August 8, 2005. Approval of Mr. Pugsley includes authorization to live outside the City limits (Tremonton).

New Hire, Ambulance Department

It was recommended Clinton D. Anderson, Williams G. Ferguson and Melinda S. Anderson be hired in the Ambulance Department.

Appointment to VIPS Council

It was recommended Pastor Richard Snyder, Lynn Papworth, and Gloria Avila be appointed to the Volunteers in Police Service Council.

Request to Write-off Accounts Due to Resident Taking Out Bankruptcy or Being Sent to Collections

A list of accounts were presented to be removed from the City's system due to the customer taking out bankruptcy or being sent to Collections.

Promotion, Water Department

It was recommended Rene Cedillo be promoted as Foreman in the Water Department, Grade 46, effective July 30, 2005.

MOTION: A motion to approve the Consent Agenda was made by Councilmember Marabella, seconded and carried.

PUBLIC HEARINGS

Vacation of Partial Amendment to Parker Ranchettes, Lot 2

Mr. Teuscher came forward and explained that the vacation of this lot is associated with the next public hearing. This parcel is currently owned by the Health Department. They have been approved for an addition, which sits across the property line and easement. This vacation would eliminate this parcel.

A motion to open the public hearing was made by Councilmember Marabella, seconded by Councilmember Farr and unanimously carried. There were no comments from the public. A motion to close the public hearing was made by Councilmember Marabella, seconded by Councilmember Bell and unanimously carried.

MOTION: Councilmember Farr made a motion approve the vacation of partial amendment to Parker Ranchettes, Lot 2, seconded by Councilmember Marabella and unanimously carried.

Amendment to Partial Amendment No. 1 to Parker Ranchettes, Phase 2, Lot 5R

Mr. Teuscher explained that this amends the subdivision to include the lot to the south and make it all one parcel with the lot discussed above.

A motion to open the public hearing was made by Councilmember Marabella, seconded and carried. There were no comments from the public. A motion to close the public hearing was made by Councilmember Bell, seconded and carried.

MOTION: Councilmember Bell moved to approve the amendment to partial amendment No. 1 to Parker Ranchettes, Phase 2, Lot 5R, seconded and carried.

Amendment to Chapter 29.050.070, Maintenance of Parking Lots to Allow Alternative Design for the Transfer of Surface Water from the Parking Lot to the Public Right-of-Way

Mr. Teuscher said this amendment to the Zoning Code was recommended by Kent Jones, City Engineer. The current wording allows for only "one size fits all" standard. This amendment gives the City Engineer and the Public Works Department more flexibility in evaluating different storm water standards and designs.

A motion to open the public hearing was made by Councilmember Marabella, seconded and carried. No comments were heard. A motion to close the public hearing was made by Councilmember Farr, seconded and carried.

MOTION: Councilmember Farr made a motion to amend Chapter 29.050,070, Maintenance of Parking Lots, seconded by Councilmember Bell and unanimously carried.

Amendment to General Plan Map from Residential Medium Density to a Planned Commercial/Mixed Use Designation for Property Located in the Vicinity of 900 North and Main Street

Councilmember Marabella stated that as a resident living across the street from the proposed zoning change, he will not be voting or participating in any discussion. He left the Council table and sat in the audience.

Mr. Teuscher explained that this is an application that has been in the works for a number of years. The proposed rezone is along Main Street and Highway 38 and 900 North, or State Route 13. It is proposed the property be rezoned from residential medium density to a planned commercial mixed use designation. This request is to amend the current General Plan. This request was previously before the Council, and was tabled due to legal action and has been brought back at the request of the applicant.

A motion to open the public hearing was made by Councilmember Bell, seconded and carried.

Henry Richard Hurren, 1025 North 450 West - Mr. Hurren said he has lived at this address before this issue came forward. He was employed by the US Central Intelligence Agency for 30 plus years as an operations officer. At the beginning of the hearings regarding this issue, he was very firmly against any change in zoning, especially toward commercial. He made his views known at the time with a letter that went to each of the councilmembers and Mayor Kano. He said the City has absolutely no need for additional commercial space in that particular area. There is a filling station that went out of business on 700 North Main, and a number of other businesses on that end of Brigham City that have gone out of business. These buildings should be filled before granting more commercial areas.

Max Hall, 220 West 1500 North - Mr. Hall said he is a native of Brigham City and just moved back to this area about five years ago. They moved to 1500 North because they liked the rural character of this part of the City and County. Obviously because he moved there for that reason and spent a lot of money to build on a rural piece of property in a rural neighborhood, he would be adamantly opposed to anything that would change that. Commercial zoning in this area does nothing to enhance the desirability of this part of town. He agreed with Mr. Hurren's assessment of business on North Main. Other than Kent's, there has not been anything in the area that has been successful. This is an indication that there is no need for additional commercial space. These commercial pieces of property have turned over a number of times without success and are basically a blight to the community. If more commercial space is opened up, he will be interested to see what kind of

businesses it would attract. Mr. Hall felt that the potential of them being successful is very limited, in which case it would be just a matter of time before another piece of commercial property would be a blight to the community. Mr. Hall said since this property borders the City/County lines, he was concerned with the discharge of water on that property. If 19 acres is put under asphalt, that is a lot of water to be generated during a thunderstorm, and he sees no evidence that either the County or City has any plans for handling the discharge and drainage water from Brigham City into the County. This problem exasperates every time development is done in this area. At some point, he hoped the City and County will get together and discuss this because there is obviously going to be growth in that area. They need to address what the long-term plan is for the disposal and disposition of storm water. The ditches there are not clean; they are not open; they propose a flooding threat to the new subdivision on the back nine of the golf course. All of these are a big concern in any kind of development in the area. One more item that he recommended be looked at very carefully, is that the old golf course represents the irrigation water for a number of farms north of the area. There is springs, there is water rights; there are all sorts of issues in the area that need to be dealt with before any kind of permits are granted for development. He would like to see what the plans are so nobody's rights are trampled on. These rights constitute the livelihood for those people that are still farming. Before anything is approved in that area, some kind of plan needs to be developed, needs to be engineered, and the people involved need to have some input.

Nancy Kennedy, 845 No Main - Ms. Kennedy said when they moved to Brigham City 20 years ago, they drove on Highway 13, and thought it was the prettiest area they had ever seen. So they decided to move here and raise their family here and establish her husband's business. This is a nice area, and a nice entrance to the City, and turning it into a commercial area makes it nothing more distinctive than any other area. She said it is a poorly designed intersection. She calls 9-1-1 very frequently to report an accident that has occurred on the corner of 900 North and Main Street. UDOT has planned to redo this intersection many times, but because of money it has not been done. The corner is not well designed, and if commercial traffic is added to residential traffic, the 9-1-1 calls are going to increase. Ms. Kennedy added that as a member of the School Board, they are starting an evaluation of the student population, and they are looking at closing schools because of the lack of school population. This is an area that could have a lot of young kids that could fill some elementary schools. The City's population is shifting south, and the City is losing those areas of elementary schools that can really have an impact on this area. People are not moving to the north end of town, because there is no place to set up a housing development. This area is in the General Plan as residential. This is what needs to be maintained. Ms. Kennedy said they have large front windows on the front of their house. Their daughters have a big picture window. If there is a Chevron sign flashing in their bedroom window at night, they are not going to be happy. She said no one has ever said the City needs economic development on the east side of town. That is because it has been established as a residential area. The City needs residential areas on the north end of town. These areas can be nice passes to the community that provides families, housing, and a place for families to grow.

Lamont Nielsen, 1012 North 450 West - Mr. Nielsen said he is a new resident of Brigham City. They have lived here for two months. They moved here from Florida. When he moved here, he had a chance to relocate to Brigham City or Salt Lake City. He chose Brigham City because it is a small, residential town, it does not have a lot of commercial development, and is an ideal place for a family to grow. He is originally a native of Salt Lake. When he lived in Florida, he lived in Titusville, a small town with a population of about 30,000. About five years ago it started developing. It had been stagnant for so long, that the City Council was anxious for the revenue that was going to come in from all kinds of development, whether residential or commercial. In the last five years it has grown by 15,000 people. The City Council did not do their job in planning and addressing the growth issues, whether commercial or residential. He urged the Council, no matter what is decided, to do the planning, do the homework, understand the issues as brought up by Mr. Hall. He asked why the property is being rezoned from residential to commercial. Is there a special interest from a developer that is pushing this? If it is, the citizens need to know what his plans are and how he plans on controlling it.

Larry Whitlock, 1020 No 450 West - Mr. Whitlock said he left Brigham City in 1968. He came back three years ago. One of his fondest memories was the golf course, to the point where he actually fantasized that he was going to win the lottery and buy that golf course and build a home on it. They had the opportunity to purchase a home that backs up to the golf course. This was almost a dream come true. On a personal level, Mr. Whitlock said building homes and commercial buildings in this area would destroy this. He agreed with the

comments made about commercial property. It is an eye-sore in that part of town. Building homes on the golf course where he would have to look at someone's bedroom is not something that is desirable.

Bob Marabella, 901 No Main - Mr. Marabella said he recently purchased the property at 905 No Main, which is the old Chip Shots building. This may seem a bit odd that a person is a homeowner and owns a commercial piece of property. However, he and his wife made a decision that they want to control the corner of that intersection, and this piece of property became available. They have visions of doing something with that property. They have presented those to the City, maybe a Curves for Women franchise. This would be closed by 7:00 p.m. with no fluorescent lights. Mr. Marabella said he bought his home 5 ½ years ago. They had several choices of where to live, but he fell in love with Brigham City, even before his wife and kids moved here. It was a beautiful home across the street from a golf course. He was deeply saddened by the loss of the golf course. Over the course of his time on the Council and watching the City grow and change, and the development on 1100 South, he came to the realization that the golf course will no longer be there. If there has to be something there, homes would be his third choice. His second choice would be that Mr. Mitchell donate it to the City to make it a beautiful park, with running trails. It has an incredible future, with so much water on the property there could be nice streams and trails, barbeque pits, etc. He has a two story home, and looking out their windows and seeing a Chevron station or commercial property is obviously not what they want. Mr. Marabella said he loves Brigham City, and he cannot see himself living anywhere else. It is very clear that the growth in Brigham City is on 1100 South. There has been tremendous growth on 1100 South, and this is not going to change. The north end of town is clearly a very pristine area the City can keep nice without mixing commercial with residential.

Janet Hurren, 1025 North 450 West - Ms. Hurren said she is concerned with the number of people that are going to be put on a very small piece of land without any open space to accommodate the play of children. It is very disturbing to see multi-family housing adjoined to a commercial area. Where are the kids going to go?

Doug Brown, 855 No Main - Mr. Brown said he has been in Brigham City for 18 years, and lived at his current property for 11 years. He moved there when the golf course was still there, and it was a beautiful entrance to the City. He is disturbed about changing this to commercial area, with multi-family dwellings. There will be a lot more traffic in the area, lighting in the middle of the night, a convenience store will be open all night, traffic will be in and out, and people will be going fast because it is 55 mph. He agreed with the comments on the business blight in the area. He said Mr. Marabella's idea about doing something to benefit the community is a great idea. There is a lot of land, a lot of area that could be used for recreation for the City. The City just went through a General Plan review not too long ago, and this property is zoned residential. Unless something is going to be done to improve on that, he did not want to see this turned into any kind of commercial area.

Ken Kennedy, 845 No Main - Mr. Kennedy said he served on the Planning Commission and has been involved in economic development. He felt that in order for ordinances to stand up, we have to be above "not in my backyard." Once something is done it is hard to undo it. The decisions that are made here are what citizens are going to be dealing with 20 years from now. This area is an entrance to the City, what is it going to look like in 20 years? People have put a lot of time and effort into putting the General Plan in place, changing it just to increase the value does not make a lot of sense.

Michelle Whitlock, 1020 No 450 West - Ms. Whitlock said 3 ½ years ago they moved back to Brigham City. They bought a piece of property with the backyard against the old golf course. They bought that home because the area has a wonderful rural ambiance. She is very concerned with what developing that corner as a commercial area will do to property values.

Amy Wilde, 245 West 1500 No - Ms. Wilde said if she wants a Slurpee, a cold drink, or a gallon of milk, she can go to 7-11, and she can even walk there. She agreed with Mr. Marabella's comments on leaving the golf course as a beautiful entrance to Brigham City.

Mary Kate Christensen - Ms. Christensen read a letter from Jodie Marabella, 901 No Main, who was unable to attend. "I would like to express my disagreement with the request to change the zoning on the old golf course from residential to mixed commercial. As a homeowner across the street from the property, I feel it would be a negative change to the north end of our town. I do not like to see the unkept appearance of the

property, but the negative impact of the proposed gas station, apartments, retail would be worse. We already face traffic issues and dangerous roadways for the children in this area, and I believe it would become more pronounced with the proposed change. I think the Master Plan to keep the north end of town growing with the proper mix of residential zoning is a sound one. We have some beautiful scenery here to encourage visitors and potential residents to relocate to Brigham City. Please don't change that plan due to a developer's financial interests. I believe one of the reasons people move to Perry is the openness they can still find there. Let's keep the property in question open by holding it to the zoning it already has. I appreciate the opportunity to express my views and have a voice in the future of our City."

Max Hall - Mr. Hall said he was talking to Mr. Mitchell, and he informed him that at one time he offered nine acres of this property to the City for a City park. It was declined by the City because they could not afford to keep it watered. Mr. Hall said if the City can afford to keep the golf course on the south end of town watered, he does not understand why they cannot keep nine acres of grass watered, that practically waters itself. At least some consideration should be made for some open space. If the property is left residential, there is room for approximately 80-125 homes, plus another 100 homes on the west end. This could bring young families with lots of kids, and they will need some place to play.

Scott Mitchell - Mr. Mitchell encouraged all of those in the audience to come to all the meetings where many of these items have been discussed many times. The people that run our City do an excellent job. They do not just let people walk in and do what they want to do. There is a process to everything that has been discussed. It is a good system. Mr. Mitchell said he would like to see Brigham City maintain its beauty. This piece of property became available, and he would like to do the best thing for that property. If houses is what goes there, that is what will go there. Something has to go there; it is a blighted area right now. The future is upon us. Something is going to happen, it's a matter of what we want to happen. He encouraged the citizens to come to the meetings and express what should be put there. Mr. Mitchell said he does not have any plan for the property, other than a gas station. He always thought a gas station would be nice there; not a big gas station, but something like a Chevron. There are a lot of people that would like a gas station there. The kids need a place to walk without crossing the highway. He added that everything that has been talked about tonight has been gone over many, many times.

There were no further comments from the public. A motion to close the public hearing was made by Councilmember Bell, seconded and carried.

Mayor Pro Tem Adams said he was on the Council with Mayor Kano, and he remembers this issue from start to finish. The City has worked with Mr. Mitchell, and he has been good to work with, and he brings a lot to the community. As a developer, he has made many changes to accommodate the City's plans. The issue before the Council is whether to change this property from a residential medium density zone to commercial mixed use. There have been issues brought up on water rights, irrigation, and drainage. He assured the citizens that the City is very concerned about these, and have made great strides to take care of them. Unfortunately, the north end of town has been plagued with more than its share of problems. He said he is not sure what happened with the park suggestion. Open space is a concern and is provided for in the General Plan. The City turning it down probably has more to do with development costs. There have been people wanting to donate property to the City, then it takes another million dollars to develop the park to meet the safety standards. He added that City staff has discussed water rights, etc., and the staff is very much aware of these. As a City, those issues will be addressed.

Mr. Teuscher stated that the Planning Commission has been working on a revision of the General Plan. Currently in the General Plan there are two commercial zones. The new General Plan is recommending five commercial zones: a general commercial zone; a gateway commercial zone; a historical commercial zone dealing with the downtown; a mixed use/office commercial; a neighborhood commercial zone. This particular area is identified as one of two potential neighborhood commercial zones. These areas are much, much less intensive. He read the description of the proposed neighborhood commercial zone from the revised General Plan, "*Neighborhood commercial is intended as a small scale residential friendly business and services for those within walking, biking, and a short drive from the store. It must be human scale facing sidewalks serviced by rear and on-street parking, and including other level 3 standards. Neighborhood commercial areas need to have flexible parking requirements and shared parking strategies. Business uses could include*

pet care, legal counseling, child care, flower shops, etc. Businesses should be two stories or less and fit into the appropriate area with surrounding structures. If adjacent to other homes, the business should have similar styles and size, preferably looking similar to the homes as well. The neighborhood commercial areas are mixed use and could be town home complexes with businesses and residents. Neighborhood commercial should include incentives for redevelopment.” Mr. Teuscher explained that the recommendation for this new commercial zone comes from a number of public meetings. This amendment will come before the Council within the next 4-5 months. He said the Council may want to consider waiting on a decision for this rezone and look at the entire General Plan and look at all development proposed in the new General Plan.

Councilmember Farr asked about the history of Mr. Mitchell’s donation for a park. Mr. Mitchell explained that when the development first started, there was a discussion on donating a portion of the property for open space and to be used as a detention basin. The City turned down the offer because of the cost to maintain the property. So Mr. Mitchell developed the North Forty Subdivision, and now the City has decided to take the nine acres and maintain the ponds and open space. Councilmember Adams noted that the City now has a storm drain utility and impact fees to address some of these issues. At the time, there was no revenue for that. Councilmember Bell said she was serving on the Planning Commission when this came up. She said Mr. Boyce said at that time that the City would like to have the property, but did not have the money to build it up the way it should be and maintain it. In addition, Mr. Boyce has outlined in the General Plan where all future parks will be.

Mr. Mitchell said this property will stay the way it is until the zoning changes. It is a bad area right now. He reminded the Council that this action only changes the General Plan. Any change in the zoning would have to take place at another time, and the citizens can attend the meetings and have their voices heard. He said something needs to happen to this property so it is not left a weed patch for the next 4-5 years.

Councilmember Bell said she has lived in Brigham City long enough to see when businesses did well on the north end of town. However, she agreed with the citizens’ comments that currently, there is a commercial blight on the north end of town. Many different businesses have opened in this area and have tried, but have not been successful. If there was a great need for commercial development, then some of these businesses would be thriving. She said she goes into Shifty’s gas station quite frequently, and the customers are not usually getting gas, they are getting a drink or coffee. In addition, 7-11 does not have gas tanks. If 7-11 felt gas pumps were needed, they would have them. It does not appear the north end of town is in need of a gas station. Councilmember Bell said after hearing about the proposed commercial zones in the revised General Plan, she felt this area should be a small neighborhood commercial area.

MOTION: Councilmember Farr made a motion to table this item and wait for the General Plan to come through. This will give the citizens another opportunity to voice their concerns about how this area develops. If the Council were to deny this request, if the General Plan comes through, the Council will have to readdress the issue. Mayor Pro Tem Adams said instead of tabling it, in fairness to Mr. Mitchell, he suggested no amendment to the plan and that it be addressed again when the General Plan is done. The motion died for lack of a second.

MOTION: Mayor Pro Tem Adams made a motion that no amendment to the General Plan be made at this time, seconded by Councilmember Farr and unanimously carried.

CLAIMS

General Claims

Councilmember Marabella moved to approve General Claims dated July 12, 2005, in the amount of \$304,952.77; for July 19, \$625,954.30. The motion was seconded and carried.

A motion to adjourn was made by Councilmember Bell. The motion was seconded and carried unanimously. The meeting adjourned at 8:12 p.m.